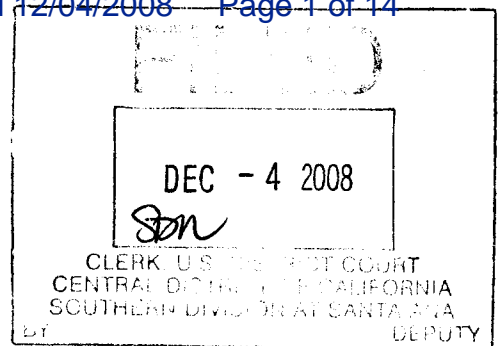


1 Peter L. Recchia, Esq. (SBN 77857)
2 **LAW OFFICES OF PETER L. RECCHIA**
3 1605 E. 4th Street, Ste. 250
4 Santa Ana, CA 92701
5 Tel: (714) 541-2858
6 Fax: (714) 541-6880
7 E-mail: Attnyrecchia@aol.com



8 Attorney for Plaintiff, Elizabeth LaValle and all those similarly situated

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **SOUTHERN DIVISION**

12 **SACV 08-01383 AHS (RNBx)**

13 ELIZABETH LAVALLE, individually
14 and on behalf of all others similarly
situated,

15 Plaintiffs,

16 v.

17 CHEXSYSTEMS
18 and DOES 1 to 10, Inclusive,

19 Defendants.

Case No.:

COMPLEX LITIGATION

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

22 Plaintiff hereby alleges:

23 **I. NATURE OF THE ACTION**

24 1. This lawsuit is brought as a class action by ELIZABETH LAVALLE
25 (hereinafter "PLAINTIFF") on behalf of herself and those persons similarly
26 situated. Plaintiff seeks class-wide recovery of damages, punitive damages,
27 injunctive relief, and attorneys fees for violations of the Federal Fair Credit
28

1 Reporting Act, 15 U.S.C. § 1681 *et seq.*, the California Consumer Credit
2 Reporting Agencies Act, California Civil Code § 1785.1, *et seq.*, and California
3 Business and Professions Code §§ 17200, *et seq.*, from Defendant,
4 CHEXSYSTEMS (hereinafter sometimes referred to as “DEFENDANT.”)

5
6 **JURISDICTION AND VENUE**

7 2. This Court has jurisdiction over PLAINTIFFS’ claims pursuant to 15
8 U.S.C. § 1681(p). This also has jurisdiction over the instant case pursuant to 28
9 U.S.C. Section 1332(d)(2) because this is a class action where the matter in
10 controversy exceeds the sum or value of \$5,000,000 exclusive of interest and
11 costs, and there are members of the Plaintiff class who are citizens of a State
12 different from that of DEFENDANT.

13 3. This Court has jurisdiction over DEFENDANT because DEFENDANT
14 has sufficient minimum contacts within this District so as to render the exercise of
15 jurisdiction over the DEFENDANT by this Court consistent with traditional
16 notions of fair play and substantial justice.

17 4. Venue is proper in this Court has jurisdiction over the claims of
18 PLAINTIFF against DEFENDANT because at least one instance of the unlawful
19 conduct of DEFENDANT occurred in the Central District of California.

20
21 **PLAINTIFF**

22 5. At all times relevant herein, Plaintiff ELIZABETH LAVALLE was and is
23 a resident of the State of California, County of Orange.

24
25 **DEFENDANT**

26 6. As used in this Complaint, “DEFENDANT” refers to all defendants and
27 unless otherwise specified, every allegation with respect to one defendant is an
28 allegation with respect to each defendant.

1 7. PLAINTIFF is informed and believes and thereon alleges that
2 DEFENDANT, CHEXSYSTEMS is a corporation and is authorized to do
3 business in the State of California.

4 8. DEFENDANT is a "consumer credit reporting agency" within the
5 meaning of the FCRA, 15 U.S.C. § 1681a(f). DEFENDANT regularly engages in
6 the business of assembling, evaluating, and disbursing information concerning
7 consumers for the purpose of furnishing consumer reports, as defined in 15 U.S.C.
8 § 1681a(d), to third parties. The basis of DEFENDANT's business is providing
9 consumer reports to banking institutions throughout the United States regarding
10 the alleged conduct and experiences consumers, such as PLAINTIFF herein, have
11 had in the manner in which they have handled their bank accounts. PLAINTIFF
12 is informed and believes and thereon alleges that CHEXSYSTEMS, in conspiracy
13 with the various banks that subscribe to it, has established a "blackball" system
14 whereby consumers cannot open a bank account with any bank that subscribes to
15 CHEXSYSTEMS' consumer reporting system if and when CHEXSYSTEMS
16 maintains a derogatory report associated with the consumers' names. This
17 "blackball" system exists whether or not the consumer has a legitimate dispute
18 associated with the information reported by CHEXSYSTEMS, in spite of the fact
19 the reported information may be vague, ambiguous or inaccurate. Furthermore,
20 contrary to the provisions of the Federal Fair Credit Reporting Act, 15 U.S.C. §
21 1681i(b) and the California Consumer Credit Reporting Agencies Act, California
22 Civil Code § 1785.15(f), CHEXSYSTEMS frequently refuses to publish a
23 requested consumer statement on its reports when requested by consumers, such
24 as PLAINTIFF herein, and those similarly situated, thereby further depriving
25 consumers their rights under the law and compounding the negative effects of
26 CHEXSYSTEMS' reports and the resulting "blackball" system.

27 9. PLAINTIFF does not know the true names and capacities, whether
28 individual, corporate, associate, or otherwise of defendants Does 1 through 1000,

1 Inclusive. Such fictitious defendants are sued pursuant to United States District
2 Court, Central District of California Local Rule 19-1. PLAINTIFF is informed
3 and believes and based upon such information and belief alleges that each
4 fictitious defendant was in some way responsible for, participated in, or
5 contributed to the matter and things of which PLAINTIFF complains herein, and
6 in some form and under some theory, is subject to liability therefore. When the
7 exact nature and identity of such fictitious defendants' responsibility for,
8 participation in, and contribution to the matters herein alleged is ascertained by
9 PLAINTIFF, they will seek leave to amend this Complaint to set forth the same.

10 10. All DEFENDANTS, and each of them, carried out a joint scheme,
11 business plan or policy in all respects pertinent hereto and all acts and omissions
12 herein complained of were performed within the course and scope of said
13 relationship.

14 11. DEFENDANTS' founders, owners and executive officers directed,
15 authorized, ratified and/or participated in the conduct that gives rise to the claims
16 asserted herein and derived personal financial benefit from such conduct.

17 FACTUAL ALLEGATIONS

18
19 12. PLAINTIFF, and all individuals similarly situated, have been reported by
20 CHEXSYSTEMS as having a derogatory banking history and this information has
21 been communicated to another, third party, banking institution. PLAINTIFF, and
22 those similarly situated, have requested and/or demanded that CHEXSYSTEMS
23 either correct or cease reporting the derogatory information associated with their
24 names, and also asked or demanded to have a consumer statement placed on their
25 CHEXSYSTEMS' reports, thereby telling their side of the story, as provided
26 under the Federal Fair Credit Reporting Act, 15 U.S.C. § 1681i(b) and the
27 California Consumer Credit Reporting Agencies Act, California Civil Code §
28 1785.15(f),

1 13. CHEXSYSTEMS has refused to include Plaintiff's and those similarly
2 situated, consumer statements on their CHEXSYSTEMS' reports contrary to the
3 requirements of the Federal Fair Credit Reporting Act, 15 U.S.C. § 1681i(b) and
4 the California Consumer Credit Reporting Agencies Act, California Civil Code §
5 1785.15(f).

6 14. As a result of DEFENDANT's procedures, reporting practices, and failure
7 and refusal to include requested consumer statements on its CHEXSYSTEMS'
8 reports, the consumer credit reports of PLAINTIFFS and those individuals
9 similarly situated, contain vague, ambiguous, and inaccurate information, without
10 the opportunity of PLAINTIFF and those similarly situated to tell their side of the
11 story by way of a statutorily mandated consumer statement. As such,
12 PLAINTIFF, and those similarly situated, have derogatory reports published by
13 CHEXSYSTEMS associated with their names, and are thereby "blackballed" from
14 participating in the United States banking system, and have been refused the
15 opportunity to tell their side of the story by way of a consumer statement.

16
17 **CLASS ALLEGATIONS**

18 15. Plaintiffs individually and on behalf of herself and all persons similarly
19 situated, seek class-wide relief for injuries resulting from the patterns and
20 practices of unlawful conduct by DEFENDANT.

21 16. Plaintiffs seek to represent the following class of persons:

22 All consumers, as defined by 15 U.S.C. § 1681a(c) residing in the U.S. for
23 whom CHEXSYSTEMS maintains a file, as defined by 15 U.S.C. §
24 1681a(g), who, on or after September 15, 2006, requested that
25 CHEXSYSTEMS include a consumer statement of dispute on their
26 CHEXSYSTEMS' consumer report and CHEXSYSTEMS failed to and
27 refused to include the consumer statement on their reports.

28 17. PLAINTIFF is informed and believes and thereon alleges that the persons

1 in the class are so numerous that joinder of all such persons is impracticable and
2 that the disposition of their claims as a class will benefit parties and the Court.

3 18. PLAINTIFF is informed and believes that notice to the Class is possible
4 because the class members in each Class can be noticed through the addresses
5 maintained by DEFENDANT, or through publication or other reasonable means.

6 19. There is a well-defined commonality of interest in questions of law
7 involving and affecting the Classes to be represented in that DEFENDANT, on a
8 class-wide basis, violated similar laws as to all members of the Class.

9 20. There is a well-defined commonality of interest in questions of fact
10 involving and affecting the Class members to be represented in that
11 DEFENDANT implemented a common plan or scheme, on a class-wide basis, to
12 refuse to include consumer statements when requested by consumers on their
13 CHEXSYSTEMS' reports, thereby further damaging PLAINTIFF and those
14 similarly situated and further compounded the problem for these consumers as
15 part of the CHEXSYSTEMS' "blackball" system.

16 21. The claims of PLAINTIFF alleged herein are typical of those claims
17 which could be alleged by any member of the Class and the relief sought is typical
18 of the relief which would be sought by each of the members of the Class members
19 in separate actions.

20 22. PLAINTIFF and her Counsel will fairly and adequately represent and
21 protect the interests of all members of the Classes.

22 23. The prosecution of separate actions by individual members of the Class
23 would create a risk of inconsistent and/or varying adjudications with respect to the
24 individual members of the Class, establishing incompatible standards of conduct
25 for DEFENDANT and resulting in the impairment of the rights of members of the
26 Class and the disposition of their interests through actions to which they were not
27 parties.

28 24. A single class action is superior to numerous individual actions as a means

1 of adjudicating these claims. The claims of each individual are relatively small
2 making adjudication of individual claims cost prohibitive.

3 25. The case is manageable for, among other reasons, the issue that will
4 predominate this action is whether the advertisements are misleading or likely to
5 deceive and not what occurred with each individual transaction.

6 26. These classes of persons are easily ascertainable through DEFENDANT's
7 records.

8
9 **FIRST CAUSE OF ACTION**

10 By PLAINTIFF individually and on behalf of all similarly situated, against
11 DEFENDANT

12 **(WILLFUL FAILURE TO INCLUDE CONSUMER STATEMENT IN**
13 **VIOLATION OF 15 U.S.C. § 1681i(b) and California Civil Code § 1785.15(f))**

14 27. PLAINTIFF, individually and on behalf of all individuals similarly
15 situated, hereby restates, re-alleges, and incorporates by reference herein the
16 paragraphs stated above in this Class Action Complaint as though fully set forth
17 herein.

18 28. DEFENDANT violated the Federal Fair Credit Reporting Act, 15 U.S.C.
19 § 1681i(b) and the California Consumer Credit Reporting Agencies Act,
20 California Civil Code § 1785.15(f), by intentionally and willfully failing to and
21 refusing to include a consumer statement of dispute on its CHEXSYSTEMS
22 reports after the statements were requested and/or demanded by the consumer.
23 On August 18, 2008, PLAINTIFF, by and through her attorney, demanded that
24 CHEXSYSTEMS place a consumer statement on her CHEXSYSTEMS'
25 consumer report. On September 14, 2008, CHEXSYSTEMS wrote PLAINTIFF's
26 counsel and advised him that CHEXSYSTEMS would not include PLAINTIFF'S
27 consumer statement on her CHEXSYSTEM's report. PLAINTIFF is informed
28 and believes and thereon alleges it is a frequent and common practice of

CHEXSYSTEMS to refuse consumers' requests and demands for a consumer statement to be included on the consumers' CHEXSYSTEMS' reports.

29. As a result of DEFENDANT's failure to comply with the FCRA and CCRAA, PLAINTIFFS and the members of the Classes are entitled to recover statutory damages, punitive damages, costs and attorneys fees in amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and Cal. Civ. Code §§ 1785.31.

SECOND CAUSE OF ACTION

By PLAINTIFFS individually and on behalf of all similarly situated, against DEFENDANT

(NEGLIGENT FAILURE TO INCLUDE CONSUMER STATEMENT OF DISPUTE IN VIOLATION OF 15 U.S.C. § 1681i(b) and California Civil Code § 1785.15(f).

30. PLAINTIFF, individually and on behalf of all individuals similarly situated, hereby restates, re-allege, and incorporates by reference herein the paragraphs stated above in this Class Action Complaint as though fully set forth herein.

31. DEFENDANT violated 15 U.S.C. § 1681i and Cal. Civ. Code § 1785.15(f) by failing to include a statement of dispute concerning PLAINTIFF'S and each member of the Class CHEXSYSTEMS' reports.

32. As a result of DEFENDANT's failure to comply with the FCRA and CCRAA, PLAINTIFFS and the members of the Classes are entitled to recover statutory damages, costs and attorneys fees in amount to be determined by the Court pursuant to 15 U.S.C. § 1681o and Cal. Civ. Code § 1785.14.

THIRD CAUSE OF ACTION

By PLAINTIFFS individually and on behalf of all similarly situated, against

1 DEFENDANT

2 **(UNFAIR BUSINESS PRACTICES PURSUANT TO CALIFORNIA**
3 **BUSINESS AND PROFESSIONS CODE SECTIONS 17200 ET SEQ.)**

4 33. PLAINTIFF, individually and on behalf of all individuals similarly
5 situated, hereby restates, re-alleges, and incorporates by reference herein the
6 paragraphs stated above in this Class Action Complaint as though fully set forth
7 herein.

8 34. DEFENDANT's conduct at all times mentioned herein constitutes
9 unlawful business competition within the meaning of California Business and
10 Professions Code § 17200, *et seq.* because it engaged in illegal conduct, including
11 but not limited to, violating Federal Fair Credit Reporting Act, 15 U.S.C. §
12 1681i(b) and the California Consumer Credit Reporting Agencies Act, California
13 Civil Code § 1785.15(f). DEFENDANT's failure to include PLAINTIFF's and
14 those similarly situated consumer statements in the consumers' CHEXSYSTEMS
15 reports constitutes unfair business competition within the meaning of California
16 Business and Professions Code § 17200, *et seq.*

17 35. As a result of DEFENDANT's unfair and/or unlawful business practices,
18 PLAINTIFF and members of the Class have suffered injury in fact and have
19 suffered loss of money or property, including but not limited to erroneous credit
20 reports disseminated to third parties, their inability to open new bank accounts on
21 account of the "blackball" system created and maintained by CHEXSYSTEMS,
22 and the failure of CHEXSYSTEMS to comply with the law by including
23 consumer statements of dispute on their CHEXSYSTEMS' reports.

24 36. As a result of DEFENDANT's unfair or unlawful business practices,
25 PLAINTIFFS and members of the Classes are entitled to injunctive relief.

26
27 **PRAYER**

28 **WHEREFORE** PLAINTIFF and all class members pray for judgment against

1 DEFENDANT and each of them as follows:

- 2 1. For injunctive relief;
- 3 2. For declaratory relief;
- 4 3. For actual damages;
- 5 4. For statutory damages;
- 6 5. For punitive damages;
- 7 6. For attorneys' fees and cost of suit; and
- 8 7. For such other and further relief as the Court deems just and proper.

9 12/4/08

11 **LAW OFFICES OF PETER L. RECCHIA**

14 By:

12 

15 Peter L. Recchia

16 Attorney for the Plaintiff and on behalf
17 of all others similarly situated

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> ELIZABETH LAVALLE, et.al.,	DEFENDANTS CHEXSYSTEMS, et.al.,
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Peter L. Recchia, Esq. 1605 E. 4th St., Ste. 250 Santa Ana, CA 92701 (714) 541-2858	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify):	<input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
---	---	--	---	---	--	---

V. REQUESTED IN COMPLAINT: **JURY DEMAND:** ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☒ Yes ☐ No **MONEY DEMANDED IN COMPLAINT: \$** _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 15 U.S.C. Section 1681, et. seq. - Violations by Defendant of Federal Fair Credit Reporting Act

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
--	--	--	---	--	---

SACV 08-01383 AHS (RNBx)

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
ORANGE COUNTY	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
UNKNOWN - VARIOUS	MINNESOTA - CHEXSYSTEMS

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
ORANGE COUNTY	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Date

12-3-08

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Alicemarie H. Stotler and the assigned discovery Magistrate Judge is Robert N. Block.

The case number on all documents filed with the Court should read as follows:

SACV08- 1383 AHS (RNBx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☒ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Peter L. Recchia, Esq. (SBN 77857)
LAW OFFICES OF PETER L. RECCHIA
1605 E. 4th Street, Ste. 250
Santa Ana, CA 92701
Phone: (714) 541-2858
Fax: (714) 541-6880

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ELIZABETH LAVALLE, individually and on behalf
of all others similarly situated,

PLAINTIFF(S)

v.

CHEXSYSTEMS and DOES 1 to 10, Inclusive,

DEFENDANT(S).

CASE NUMBER

SACV 08-01383 AHS (RNBx)

FOR OFFICE USE ONLY
SUMMONS

TO: DEFENDANT(S): CHEXSYSTEMS, et.al.,

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Peter L. Recchia, Esq., whose address is 1605 E. 4th St., Ste. 250, Santa Ana, CA 92701. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

STEPHANIE MIKHAIL

Dated: 12-4-08

By: _____

Deputy Clerk

FOR OFFICE USE ONLY
(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].